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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/01/2005

Habib Sevinc

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7590

05/03/2006

Charles L Schwab
Nexsen Pruet
P O Box 10107
Greenville, SC 29603

EXAMINER

DOE, GRACE SC

ART UNIT

PAPER NUMBER

3732

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/524,949

Applicant(s)

SEVINC, HABIB

Examiner

Grace SC Doe

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3 and 6-11 is/are rejected.
- 7) ☒ Claim(s) 4, 5 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for priority and submission of copies of the certified priority documents pursuant to PCT Rule 17.2(a).

Information Disclosure Statement

2. The references listed in Applicant's information disclosure statement filed on 2/21/06 is acknowledged and in compliance with 37 CFR 1.97 and 1.98.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: all figures and reference numbers. No drawings were submitted with the Application. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. For purposes of this Action, it is assumed that Applicant intended to submit the figures included as part of Applicant's PCT application.

4. The PCT drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "separable connection" between the ball head, socket, spring, and retaining elements as well as the lug structure must be shown or the feature(s) must be canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claims 4-5 and 12 are objected to under 37 CFR 1.75(c) as being in improper form because they depend from multiple dependent claims 3, 4 and 8. See MPEP § 608.01(n). Accordingly, claims 4-5 and 12 have not been further treated on the merits.

6. Claims 1-3 and 6-11 are objected to because of the following informalities: with regards to claim 1, Applicant failed to include a preamble. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regards to claims 6 and 8, the language "preferably" renders the claim unclear as to whether the right angle orientation or the rectangle or square cross section is a positive limitation of the claim. Please clarify. Additionally, claim 8 recites the limitation "the bars" and "the lugs". There is insufficient antecedent basis for this limitation in the claim. Claim 6 discloses only one bar and no

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lugs. Claim 1 discloses no bars and no lugs. For the purposes of this Action, it is assumed Applicant intended to claim "a bar (5) has a ... in lugs that are ..."

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones (US 4,795,342). Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US 4,795,342). Jones discloses a ball joint having a head (See fig. 6, part 42) and socket (See fig. 6, part 16) fastened to a spring bar (See fig. 4, part 30) and retaining elements capable of being connected to the teeth of the upper or lower jaw (See fig. 8, part 54). The head and socket are capable of being individually connected together to form the disclosed device. Jones further discloses a screw (See fig. 8, part 50) capable of being screwed into an opening of a spring bar. Jones also discloses a bar (See fig. 6, part 40) capable of being individually connected with the retaining element.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-2, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US 4,795,342) in view of Northcutt (US 3,798,773). Jones, discloses a ball joint having a head (See fig. 6, part 42) and socket (See fig. 6, part 16) fastened to a spring bar (See fig. 4, part 30) and retaining elements capable of being connected to the teeth of the upper or lower jaw (See fig. 10, part 44). The head and socket are capable of being separably connected (See fig. 6). Similarly, the head and socket are capable of being separably connected to a tooth retaining element (See fig. 8, part 48). Jones fails to disclose a separable connection between the spring, head, and socket. Northcutt discloses a connection between the spring, head, and socket (See fig. 2, part 40) capable of being separably connected in order to allow for positional adjustment (See col. 2, lines 55-57). Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to modify the ball joint of Jones with the connection of Northcutt in order to be able to allow for positional adjustment (See col. 2, lines 55-57). Jones further discloses a screw (See fig. 8, part 50) capable of being screwed into an opening of a spring bar. The spring bar is fastened to the socket (See fig. 6, part 40) and is capable of separably attachment to the retaining element (See fig. 8, part 54). A tubular lug (See fig. 6, part 44) having an opening capable of matching the dimensions of the bar (See fig. 6, area between parts 46 and 44) is attached to a retaining element (See fig. 8, part 54). The bar has a rectangular lengthwise cross section (See fig. 6). The

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opening in the lug (See fig. 6, area between parts 46 and 44) are capable of matching the cross section.

13. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US 4,795,342), in view of Northcutt (US 3,798,773), and further in view of Mihailowitsch (US 5,378,147). Jones in view of Northcutt, discussed above, fails to disclose a groove. Mihailowitsch discloses a groove on the socket (See fig. 1, parts 11 and 12), capable of connecting to a spring bar, for the purpose of securing the ball within the socket (See col. 4, lines 6-10). Therefore it would be obvious to one having ordinary skill in the art at the time of the invention to modify the ball joint of Jones in view of Northcutt with the groove of Mihailowitsch in order to secure a ball within a socket (See col. 4, lines 6-10).

14. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US 4,795,342), in view of Northcutt (US 3,798,773), and further in view of Amrath (US 4,571,110). Jones, discussed above, fails to disclose a securing device. Amrath discloses a securing device having a slide (See fig. 5, part 5) that is capable of matching a socket recess (See fig. 5, part 9). The slide is fork shaped (See fig. 5, fork ends parts 6 & 8) and includes a spherical middle region (See fig. 5). The fork ends is capable of coupling with two openings located on the socket recess (See fig. 5, parts 6-8). Amrath is considered analogous art since it reasonably pertains to a pertinent problem the Applicant was trying to solve, securing ball joint. Therefore it would be obvious to one of ordinary skill in the art to modify the ball joint of Jones in view of

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Northcutt with the securing device of Amrath in order to secure the ball head in the socket (See col. 1, lines 28-32).

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

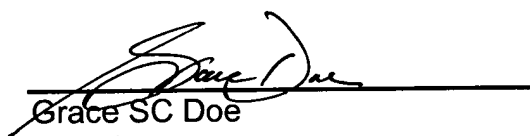
A. US 2,513,637 (Herreshoff) discloses a forked securing device.

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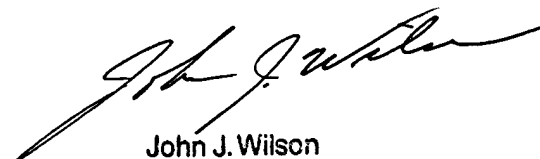
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grace SC Doe whose telephone number is (571) 272-2831. The examiner can normally be reached on Monday – Thursday from 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on (571) 272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Grace SC Doe
Examiner
Art Unit 3732
(571) 272-2831



John J. Wilson
Primary Examiner